

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

TRAE COMPTON)	
)	
Plaintiff,)	
)	
v.)	1:10CV264
)	
CAPT. REID, et al.,)	
)	
Defendants.)	

ORDER

On February 11, 2011, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed, and notice was served on the parties in this action, and a copy was given to the court.

Within the time limitation set forth in the statute, Defendants objected to the Recommendation. (Doc. 39.)

The court has reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination, which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Defendants' motion to dismiss (Doc. 18) be GRANTED; that Plaintiff's claims that he was improperly placed in segregated housing, that he was denied grievance request forms, and that he was kept in unclean surroundings be DISMISSED without prejudice to them being litigated in case no. 1:10CV213; and that Plaintiff's claims that his civil rights were violated because he was denied educational

opportunities and because the Jail did not contain a sprinkler system or post evacuation routes be DISMISSED with prejudice for failure to state a claim for relief. To the extent that this Order can be construed as denying Defendants' motion for relief from fraudulent filings, the denial is without prejudice.

A Judgment dismissing this action will be entered contemporaneously with this Order.

/s/ Thomas D. Schroeder
United States District Judge

March 30, 2011